

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 11.04.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.13169 of 2007
& M.P.No.1 of 2007

M/s Saravana Selvarathinam Trading
& Manufacturing Ltd., rep. by its
Managing Director Saravana Arul,
having office at Old No.39, 40,
New No.30, 32, Ranganathan Street,
T.Nagar, Chennai-600 017. ... Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.Chennai Metro Water & Sewerage Board,
rep. by its Managing Director, No.1,
Pumping Station Road, Chintadripet,
Chennai-600 002. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records of the first respondent in their letter No.EC2/23220/2004 dated 19.02.2007 relating to demolition of the petitioner's building put up at Old Nos.39, 40, New Nos.30, 32 Ranganathan Street, T.Nagar, Chennai-600 017 and quash the same and direct the respondents to forbear them from in any manner interfering with the constructions put up in the above property.

For Petitioner : Mr.G.karthikeyan
For 1st Respondent : Mr.J.Ravindran

ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

Aggrieved by the letter dated 19.02.2007 issued under Section 56(2) sub Clause (iii) of Town and Country Planning Act, 1971 of CMDA, Chennai-600 008, the petitioner has filed the above writ petition to quash the same on various grounds.

2.On direction, Mr.J.Ravindran takes notice for the first respondent.

3.It is the grievance of the petitioner that against the order of the Member Secretary, CMDA, rejecting their regularisation plan, the petitioner preferred an appeal to the Government, viz., the Secretary to Government, Housing and Urban Development Department (UD-VI), Fort St. George, Chennai-600 009, on 04.11.2004. It is also brought to our notice that on receipt of the said appeal, the Deputy Secretary, Housing and Urban Development (UD-VI) Department, Chennai-600 009, by letter dated 28.11.2006, requested the petitioner to furnish further details. Pursuant to the same, according to the petitioner, on 20.01.2007, they furnished further details. It is also the claim of the petitioner that till date, the Government have not passed any order on their appeal dated 04.11.2004. Whiles, by the impugned notice dated 19.02.2007, the Member Secretary, CMDA, requested the petitioner to discontinue the occupation of the premises bearing door Nos.39 and 40, Ranganathan Street, T.Nagar, Chennai-17, enabling them to carry out demolition, which cannot be sustained.

4. In view of the above information, we are of the view that ends of justice would be met by directing the Secretary to Government, Housing and Urban Development Department (UD-VI), Fort St. George, Chennai-600 009, to dispose of the appeal of the petitioner dated 04.11.2004, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such final order being passed by the Government, the impugned letter dated 19.02.2007 shall be kept in abeyance.

5. The writ petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2007 is closed.

Sd/

Asst.Registrar

/true copy/

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Sub Asst.Registrar

raa

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Managing Director,
Chennai Metro Water & Sewerage Board,
No.1, Pumping Station Road, Chintadripet,
Chennai-600 002.

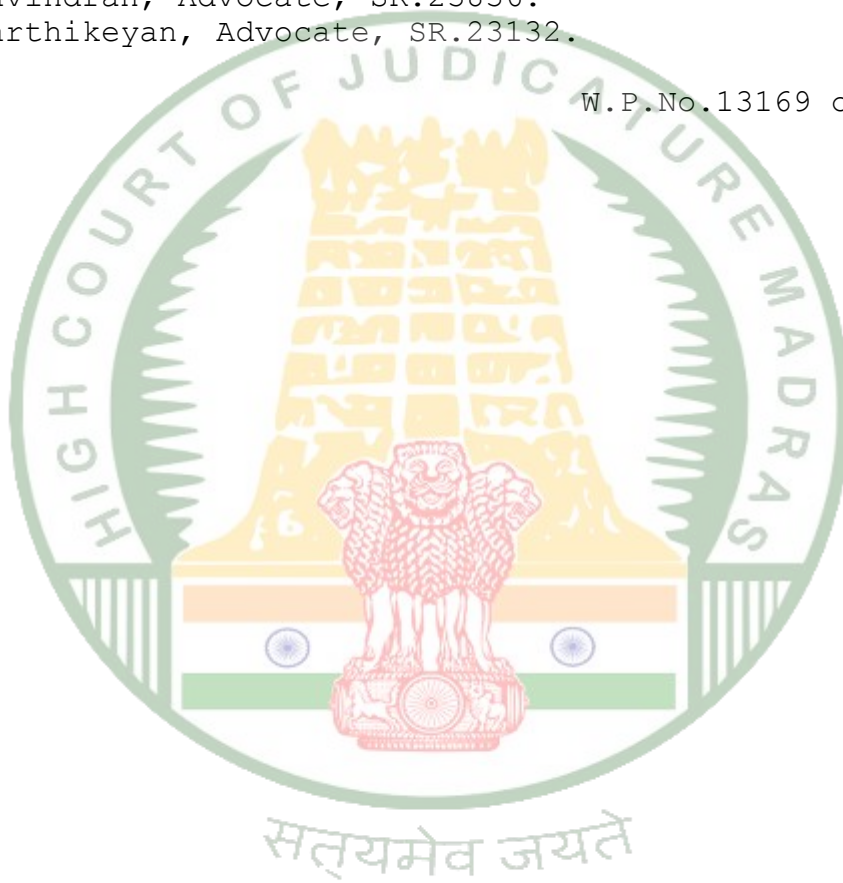
3. The Secretary to Government,
Housing and Urban Development,
(UD-VI) Fort St.George, CHennai-9.

1 cc To Mr.J.Ravindran, Advocate, SR.23836.

1 cc To Mr.G.Karthikeyan, Advocate, SR.23132.

W.P.No.13169 of 2007

AKR(CO)
RVL 18.04.2007



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